REMARKS

Applicants respectfully present Claims 1-33 for examination in the RCE filed herewith.
Claims 29, 31 and 33 have been canceled herein without prejudice to the filing of continuations
and/or divisionals. Additionally, Claims 1, 10, 20 and 28 have been amended herein to more
clearly define the scope of the presently claimed invention. No new claims have been submitted
and no new matter has been introduced. Applicants respectfully submit that the claims and
remarks presented herein overcome the Examiner's rejections in the Final Office Action dated
December 16, 2005 in the parent application.

35 U.S.C. §112

Claims 1-27 and 33 stand rejected under 35 U.S.C. §112, second paragraph, as being
indefinite for failing to point out and distinctly claim the subject matter which Applicant regards
as the invention. Specifically, the Examiner submits that the term "approximately" is a relative
term which renders the claims indefinite. Applicants respectfully submit that the term
"approximately" has been replaced with the term "during" in independent Claims 1, 10 and 20,
as well as dependent Claim 33. Claim 33 has been canceled herein without prejudice to the
filing of continuations and/or divisionals. As such, Applicants submit that the rejection to Claim
33 is moot. Additionally, Applicants submit that the amendments to independent Claim 1, 10
and 20 render the 35 U.S.C. §112, second paragraph, rejections to Claims 1-27 moot. Applicants
therefore respectfully request the Examiner to withdraw the rejection to these claims.

35 U.S.C. §102

Claims 1, 2, 7 and 9-33 stand rejected under 35 U.S.C. §102 as anticipated by Ishida, et
al., U.S. Publication US-2001/0032258 A1 (hereafter "Ishida"). The Examiner submits that
Ishida teaches all the elements of these claims. Applicants respectfully traverse the Examiner's
rejection.

As a preliminary matter, Applicants respectfully submit that the rejection of Claims 1, 2,
7 and 9-33 is facially deficient because the Examiner has not established a *prima facie* case of
anticipation. As is well-established, in order to establish a *prima facie* case of anticipation under
35 U.S.C. §102, the cited prior art must disclose every limitation of the claims being rejected.

Therefore, if even one claim element or limitation is not disclosed by the reference(s), a *prima facie* case is not established. Additionally, as the Federal Circuit has noted,

"As adapted to ex parte procedure, Graham [v. John Deere Co.] is interpreted as continuing to place the 'burden of proof on the Patent Office which requires it to produce the factual basis for its rejection of an application under sections 102 and 103."

In re Piasecki, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984) (citing *In re Warner*, 379 F.2d 1011, 1016, 154 USPQ 173, 177 (CCPA 1967)). The Examiner thus has the burden of producing a factual basis for his rejection and for establishing anticipation by identifying how each recited claim element is allegedly disclosed by the cited reference(s). Applicants respectfully submit that the Examiner has failed to establish such a *prima facie* case and has merely provided bare allegations that the reference anticipates the claims. For example, with respect to independent Claims 1, 10, 20 and 28, the Examiner suggests that FIG. 1 and Para 0075 – 0078 of Ishida disclose the claimed elements of a variable time period (VTP), a time duration to a next connection (TDNC) and an access log. The Examiner does not point to any specific language in Ishida that describes a VTP, a TDNC or an access log. Instead, the Examiner points to 3 paragraphs in Ishida and makes the conclusary statement that the VTP is equivalent to "time of access" while the access log is described by "using URL access log". Applicants respectfully submit that the Examiner's alleged "showing" of why Ishida anticipates Claims 1, 2, 7 and 9-33 is deficient because the statements above are purely conclusary and unsupported by any facts or explanation. In other words, the Examiner has failed his burden of establishing a *prima facie* case and the rejection of Claims 1-30 should be reversed for at least this reason.

Even assuming arguendo that the Examiner had established a *prima facie* case, Applicants' own perusal of Ishida does not support the Examiner's interpretation of Ishida and the claimed invention. The language in Para 0075-0078 reads as follows:

"[0075] As shown in FIG. 2, this certification server 7 is connected to a user information storage section 11, which stores user information including, for example, the user ID and password. Then, this certification server 7 checks the certification information entered by the user 4 with the user information stored in the user information storage section 11 (FIG. 2) to thereby performs certification of the user 4. Then, this certification server 7 returns affirmation or negation as a certification result to the aforesaid terminal server 6 (step S2).

[0076] Upon receipt of an affirmative certification result, the terminal server 6 permits an Internet connection for the user 4 and assigns a unique IP address to a port to which the user 4 is connected as shown in FIG. 3A. Thereby, the user 4 can download/upload information by connecting to/accessing various URL's (Web sites) using this IP address until he/she disconnects from the terminal server 6.

[0077] Here, the terminal server 6 is connected to a routing server 12 (router) and this routing server 12 functions so that all Internet connections through the terminal server 6 are routed through the aforesaid substitute server 8. For example, if the user 4 issues a browsing request of a URL 1, shown as 13a in the drawing, the user 4 will be connected to the URL 1 through the aforesaid substitute server 8 (step S3). Thereby, the substitute server 8 obtains a URL access log, which indicates the time of access, the IP address used and the URL to which an access request was issued, and stores URL access log information in an IP address-URL access log storage section 14 (step S4). Then, as shown in FIG. 4, the aforesaid substitute server 8 records additional access log information every time the user 4 issues a connection request to a URL (URL 2, URL 3 and the like).

[0078] Next, if the user 4 disconnects from the terminal server 6, the aforesaid certification server 7 stores the IP address usage information, that is, connection start time and connection end time for the IP address, associated with the certification information of the user (user ID) in a user-IP address usage information storage section, indicated with the number 15 in the drawing (step S5). FIG. 3B shows a condition in which a user with a member ID=A completed a disconnection. Then, when the user disconnects, the aforesaid certification server 7 issues an update command to the aforesaid update server 9 (step S6)."

Applicants respectfully submit that these sections highlighted by the Examiner do not teach various elements of the claimed invention. First, the Examiner appears to be saying that a VTP is equivalent to "time of access" in Ishida. Applicants strongly disagree. The specific language in Ishida is as follows: "Thereby, the substitute server 8 obtains a URL access log, which indicates the time of access, the IP address used and the URL to which an access request was issued, and stores URL access log information in an IP address-URL access log storage section 14 (step S4)" (Ishida, Para 77, emphasis added). "The time of access" in Ishida is clearly referring to an actual time that the access log was accessed. In contrast, a VTP is defined in the specification as "a piece of data representing a time period that is chosen by a server and transmitted to a client" (Specification, Page 2, Para 4, emphasis added). Ishida simply does NOT describe this element. If the Examiner believes otherwise, Applicants once again respectfully request the Examiner to point to specific language in Ishida that describes this element. Additionally, the Examiner makes no attempt to show where in Ishida it describes a TDNC. As described in the Specification, "[t]he time duration to the next connection (TDNC) is data representing any period of time." (Specification, Page 2, Para 4). Again, Applicants are at a loss to understand where in Ishida (specifically in Paragraphs 0075-0078 highlighted by the Examiner), a TFNC is described. Applicants therefore respectfully maintain that Ishida does

NOT describe this element and invites the Examiner to point to specific language in Ishida to show otherwise.

Applicants hereby maintain that Ishida does not at least these elements of the claimed invention. As previously discussed, in order to sustain a 35 U.S.C. §102 rejection to the claims, the reference must show each and every element of the claims. Thus, it is irrelevant whether Ishida describes the other elements of the claimed invention (and Applicants maintain that it does not). Instead, Applicants respectfully submit that at least for the reasons described above, Ishida fails to anticipate Claims 1, 2, 7 and 9-33 under 35 U.S.C. §102 and therefore respectfully request the Examiner to withdraw the rejection to these claims.

35 U.S.C. §103

Claims 3-6 stand rejected under 35 U.S.C. §103 as being unpatentable over Ishida in view of U.S. Patent No. 5,410,343 ("Coddington"). Additionally, Claim 8 is rejected under 35 U.S.C. §103 as being unpatentable over Ishida in view of U.S. Patent No. 5,671,279 ("Elgamal"). Applicant respectfully traverses the Examiner's rejection.

Claims 3-6 and 8 are dependant on Claim 1. As described above, Ishida does not teach various elements of independent Claim 1. The addition of Coddington and/or Elgamal does not overcome this shortcoming, *i.e.* neither Coddington nor Elgamal, alone or in combination with Ishida, teach or suggest the missing claim elements discussed above. As a result, regardless of whether Coddington and Elgamal teach the elements of Claims 3-6 and Claim 8, the combination of Ishida and Coddington and/or Elgamal cannot teach all the elements of these claims. Applicants therefore respectfully request the Examiner to withdraw the rejection to Claims 3-6 and 8 under 35 U.S.C. §103.

CONCLUSION

Based on the foregoing, Applicants respectfully submit that the applicable objections and rejections have been overcome and that pending Claims 1-28, 30 and 32 are in condition for allowance. Applicant therefore respectfully requests an early issuance of a Notice of Allowance in this case. If the Examiner has any questions, the Examiner is invited to contact the undersigned at (714) 669-1261.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

Dated: April 7, 2006   By _____

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450 on April 7, 2006.

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Margaux Rodriguez   April 7, 2006